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Mar 12 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Jessica A. Salvini, Circuit Court Judge

Civil Action No. 2026-CP-23-01193
Magistrate Court Case No.: 2026CV2310100266

Dwana Sullivan,, Appellant

v.

Legacy Oaks II,, Respondent.

**EMERGENCY MOTION FOR STAY PENDING APPEAL AND REQUEST FOR
CIRCUIT COURT HEARING TO SET APPROPRIATE BOND**

PURSUANT TO RULE 240(b), SCACR, Appellant Dwana Sullivan respectfully moves this Court for an Emergency Stay of Execution of the Writ of Ejectment and all eviction proceedings pending the resolution of this appeal. Appellant further requests that this Court remand this matter to the Circuit Court with instructions to hold an immediate hearing to set an appropriate bond pending appeal in accordance with S.C. Code Ann. § 27-40-800(b).

IN SUPPORT THEREOF, Appellant states:

I. FACTUAL BACKGROUND

Appellant has resided at 740 Woodruff Road #6305, Greenville, SC 29607, as a tenant of Respondent Legacy Oaks II.

On February 19, 2026, a Writ of Ejectment was issued by the Magistrate Court. Appellant timely appealed to the Circuit Court on February 25, 2026.

On March 5, 2026, a bond hearing was held before Magistrate Jonathan A. Horne, who ordered Appellant to pay \$6,763.00 (the full alleged past-due amount) by March 10, 2026.

On March 9, 2026, Appellant texted the property manager requesting an extension until Friday, March 13, to pay the full amount upon receipt of her tax refund.

On March 10, 2026, the manager responded indicating payment was due by 10:00 a.m. that day but did not warn that failure would result in dismissal.

On March 11, 2026, without any notice or hearing, the Common Pleas Court dismissed Appellant's appeal.

II. IRREPARABLE HARM

If a stay is not granted, the Greenville County Sheriff will evict Appellant and her family from their home. Eviction will render Appellant homeless, resulting in irreparable harm that cannot be compensated by money damages. Loss of a home constitutes irreparable injury as a matter of law.

III. LIKELIHOOD OF SUCCESS ON APPEAL

Appellant has demonstrated a substantial likelihood of success on appeal because:

- a. The Circuit Court dismissed her appeal without notice or hearing, which is a clear due process violation;

- b. The Magistrate Court imposed a bond requiring full payment of the judgment amount, which exceeds the statutory requirements of S.C. Code Ann. § 27-40-800(b); and
- c. Appellant made diligent, good faith efforts to comply with the bond order.

IV. REQUEST FOR CIRCUIT COURT HEARING TO SET APPROPRIATE BOND

The bond set by the Magistrate Court was excessive and contrary to law. Under S.C. Code Ann. § 27-40-800(b), the proper bond for an appeal in an eviction action is intended to secure payment of *rent becoming due during the pendency of the appeal*, not to require immediate payment of the entire alleged arrearage.

Appellant respectfully requests that this Court remand this matter to the Circuit Court with specific instructions to hold an immediate hearing for the purpose of setting an appropriate bond pending appeal, calculated to cover future rent accruing during the appellate process, consistent with the Residential Landlord and Tenant Act.

At such hearing, Appellant is prepared to propose and, if reasonable, make arrangements for payment of ongoing rent into the court or an escrow account to protect Respondent's interests during the pendency of this appeal.

V. NO PREJUDICE TO RESPONDENT

Granting a stay and ordering a new bond hearing will merely preserve the status quo. Respondent will suffer no prejudice if Appellant is required to pay ongoing rent into an escrow account or court registry during the appeal. The purpose of a bond to protect the landlord from loss of rent will be fully satisfied by an appropriate order from the Circuit Court.

CONCLUSION AND RELIEF REQUESTED

WHEREFORE, Appellant respectfully requests that this Court:

1. **IMMEDIATELY GRANT** an Emergency Temporary Stay of Execution, prohibiting Respondent and the Greenville County Sheriff from evicting Appellant from 740 Woodruff Road #6305, Greenville, SC 29607, pending further Order of this Court;
2. **REMAND** this matter to the Greenville County Circuit Court with instructions to hold a hearing within seven (7) days to determine and set an appropriate appeal bond consistent with S.C. Code Ann. § 27-40-800(b);
3. **ORDER** that, pending the Circuit Court's bond hearing, Appellant remain in possession of the premises; and
4. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

By: s/ Dwana Sullivan
Dwana Sullivan
740 Woodruff Road #6305
Greenville, SC 29607
(864) 230-2172
Dwanasullivan09@gmail.com

Dated: March 13, 2026

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CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of March 2026, I served a true and correct copy of the foregoing Emergency **Motion for Stay Pending Appeal and Request for Circuit Court Hearing to Set Appropriate Bond** upon the following by depositing same in the U.S. Mail, first-class postage prepaid, and/or by hand delivery:

Legacy Oaks II
740 Woodruff Road
Greenville, SC 29607

By: s/ Dwana Sullivan
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